

**SENATE BILL NO. 2223
with House Amendments**

Fifty-seventh
Legislative Assembly
of North Dakota

SENATE BILL NO. 2223

Introduced by

Senators Urlacher, Krauter, Wardner

Representative Haas

1 A BILL for an Act to amend and reenact sections 61-24.5-04, 61-24.5-08, and subsection 7 of
2 section 61-35-12 of the North Dakota Century Code, relating to the board of directors of the
3 southwest water authority and the reimbursement of water district employee expenses; and to
4 repeal section 61-24.5-05 of the North Dakota Century Code, relating to the initial board of
5 directors of the southwest water authority.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 61-24.5-04 of the 1999 Supplement to the North
8 Dakota Century Code is amended and reenacted as follows:

9 **61-24.5-04. Board of directors - Officers - Meetings - Compensation.** The authority
10 must be governed by a board of directors who must be chosen in accordance with this chapter.
11 ~~At the first election after the initial board of directors has been appointed, two directors~~ One
12 director must be elected from each county within the authority, and ~~three~~ two directors must be
13 elected in the city of Dickinson. The ~~two directors~~ director from Stark County may not be
14 ~~residents~~ a resident of the city of Dickinson. The board shall elect from the directors a
15 chairman, vice chairman, and secretary. A majority of the directors constitutes a quorum for
16 the purpose of conducting the business of the board. The board shall meet at the time and
17 place designated by the secretary. Board members are entitled to receive compensation in the
18 amount not to exceed sixty-two dollars and fifty cents per day and must be reimbursed for their
19 mileage and expenses in the amount provided for by sections 44-08-04 and 54-06-09.

20 **SECTION 2. AMENDMENT.** Section 61-24.5-08 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **61-24.5-08. Term of office of directors - Oath of office - Bonds.** Members of the
23 board of directors of the authority ~~shall~~ hold office for a term of four years, until a successor has
24 been duly elected and qualified, ~~but one half of the first county directors elected shall hold~~

1 ~~office for a term of two years, and one half shall hold office for a term of four years. Two of the~~
2 ~~three first city directors shall hold office for a term of four years, and the third shall hold office~~
3 ~~for a term of two years. Terms of office of directors elected at the first election must be~~
4 ~~determined by lot. Each county shall have one two-year director and one four-year director,~~
5 ~~and the city of Dickinson shall have one two-year and two four-year directors on the first~~
6 ~~elected board of directors. Directors elected thereafter shall hold office for a term of four years.~~
7 If the office of any director becomes vacant by reason of the failure of any director elected at
8 any election to qualify or for any other reason, the director's successor must be appointed to fill
9 the vacancy by the board of county commissioners of the county in which the vacancy occurs,
10 or by the governing body of the city of Dickinson. A director appointed to fill a vacancy shall
11 hold office for the unexpired term of the director whose office has become vacant, and until a
12 successor has been elected and qualified.

13 Members of the board of directors elected from a county must be elected at the primary
14 election, beginning in 1992, and shall assume office on the first Monday in July following their
15 election. Members of the board of directors elected from the city of Dickinson must be elected
16 at the municipal election, beginning in 1992, and shall assume office on the first Monday in July
17 following their election.

18 In 2002 all directors' terms are deemed to have expired, and each county shall elect
19 one director to serve on the board of directors and the city of Dickinson shall elect two directors
20 to serve on the board of directors. In 2002 one director from the city of Dickinson and directors
21 from Adams, Billings, Dunn, Grant, Oliver, and Slope counties must be elected for two-year
22 terms and in 2004 and thereafter must be elected for four-year terms. All other directors
23 elected in 2002 must be elected for four-year terms.

24 Before assuming the duties of the office of director, each director shall take and
25 subscribe to the oath of office prescribed by law for civil officers. The authority treasurer must
26 be bonded in an amount as the board may prescribe.

27 **SECTION 3. AMENDMENT.** Subsection 7 of section 61-35-12 of the North Dakota
28 Century Code is amended and reenacted as follows:

29 7. Appoint and fix the compensation and reimbursement of expenses of such
30 employees as the board deems necessary to conduct the business and affairs of

- 1 the district and to procure the services of engineers and other technical experts,
- 2 and to retain attorneys to assist, advise, and act for it in its proceedings.
- 3 **SECTION 4. REPEAL.** Section 61-24.5-05 of the North Dakota Century Code is
- 4 repealed.